Scott. II-27—60,004—17-11-48.

Fifth Corps (1949) Department.

SERIES.

G.O. NO. 1108

Dated 16-12-49

[Despatch Abstract.]

State Surrender - [illegible] Troops

Certain conduct of Provincial Police - Atrocities

Report Taken — Recorded

Government of Madras.
Public (Political) Department.
***
).Note No.2905/49-3 dated the 26th May 1949.

States - Sandur - Merger - Taking over administration of States Departments and application of Provincial and Central laws.

U.O.Note No.2905/49-2 Public (Political) dated 19-5-1949.

Extracts of notes Public (Political) Department file bearing C.No.2677/49.
...

The Departments of the Secretariat may be requested to substitute the following extracts for those communicated with the U.O. note of the same number and date as mentioned above:-

Now the Ruler of Sandur has signed the merger agreement agreeing to the merger of the State with the Indian Union with effect from 1-4-49. The Government of India have also issued a notification delegating to this Government under the Extra-Provincial Jurisdiction Act, necessary powers for the governance of the merged area. The Government of India notification has already been published in an extraordinary issue of the Fort St.George Gazette.

It has already been decided that in respect of the merged States the Departments of the Secretariat should attend to the matters (including the extension of laws) with which they are concerned - vide Public (Political) U.O. Note No.2971/48-2 dated 5-8-48. The Departments of the Secretariat may therefore be requested to take the necessary action for the taking over the administration of the Departments in the Sandur State with which they are concerned by the concerned Heads of Departments of this Government.

As regards the extension of the laws in force in this Province to Sandur this Department have suggested that the laws in force in this Province need not be extended immediately and that pending extension of the laws in force in this Province, the State laws may be retained and that orders may be issued retaining the existing State laws and judicial institution. Orders in this regard will be issued in Home Department. It seems that to enable our Heads of Departments to take over the administration of the Departments in the State and run them with reference to the State laws a formal authorisation by the Government under the Extra Provincial Jurisdiction Act,1947 will be necessary. Legal may be requested to advise.

As regards the application of the laws in force in this Province, both Provincial and Central to Sandur the Departments of the Secretariat will have to take necessary action for the extension of Acts with which they are concerned, bearing in mind the general instructions issued by the Government of India in their letter No.F.41(7). IB/48 dated 25-2-48. Recently in connection with the application of these laws to Pudukkottai and Bananapalle Legal Department expressed the desirability of issuing a consolidated notification in the place of the piecemeal notifications issued by the different Departments of the Secretariat. Legal may be requested to consider the expediency of asking the different Departments to send to them in due course proposals for the extension of Acts with which they are concerned so that a consolidated notification may be issued from Legal.

Legal may see for-remarks.

A.R.N.
29-4-49. Legal.

Public (Political) U.O.
No.2677/49-1 d/29-4-49.

Legal Department.

B. A above: This Department agrees with the view of the Public (Political) Department expressed here.

B ibid: The notifications in respect of Pudukkottai and Banganapalle extending the Central and Provincial Acts were issued by the administrative Departments concerned and in some cases by the Public (Political) Department. Before extending the Acts to those two States, heads of departments were consulted as regards modifications to be made in those Acts. Similarly, before extending particular Acts to Sandur it may be desirable, and even necessary, to consult heads of departments concerned and make modifications, if any, that may be required in the Act. This Department may, therefore, suggest that the notifications may be prepared by the administrative departments concerned and then sent to Public (Political) for consolidation and issue. Public will no doubt refer any legal point which may arise to this Department for advice, and also send the consolidated notification for scrutiny by this Department.

(Sd.) xx A.S.I. 7/5/49. xx A.S.II. 7/5/49 xx J.S. 7/5/49 K.V.R. 7/5/49.

Public (Political)

Legal U.O.No.5634/49-1
dated 7-5-1949.

Public (Political) Deptt.

The proposals in this file relate to (1) the taking over the administration of Departments in Sandur by the Heads of Departments concerned and (ii) the extension of laws in force in this province to Sandur.

Proposal(i) above. Extracts of paras 2 to 4 of this department's note above and of Legal's note at B above may be sent to all Departments of the Secretariat (all sections) including Public for necessary action.

Proposal (ii) above. Legal suggest that this department may collect proposals from the different departments of the Secretariat for the extension of laws to Sandur and then take necessary action for issuing a consolidated notification. It is submitted that if this work is to be undertaken in Public Deptt. then an additional upper division clerk will be required to deal with the subject. As previous proposals for sanction of additional staff for Public (Political) had to be dropped due to the objection of Finance department it is for consideration whether this work may be taken up by this department and the sanction of the post of an additional upper division clerk asked for or in the alternative whether the departments of the secretariat may be asked to issue a consolidated notification in respect of all the Acts with which they are concerned

In the case of Pudukkottai and Banganapalle each notification was issued separately by the deptt. concerned and the same procedure may be followed in the case of Sandur also. Each Act may be examined separately and applied to Sandur in the orders of urgency with such modifications, adaptations or omissions as are necessary. There seems to be no special advantage in issuing a consolidated notification. On the other hand the consolidation work is likely to cause delay and complications. It might be necessary to extend some of the fiscal Acts immediately for administrative or other reasons and it seems unnecessary to delay such Acts for the sake

of/...

of issuing an omnibus and consolidated notification. Such a notification with various modifications and saving clauses and schedules will also be inconveniently large and cumbersome. The Departments may therefore examine each case and issue a consolidated notification in respect of all the Acts with which they are concerned as far as possible. Urgent and isolated cases may be dealt with separately. There will be no need for any additional staff of the above suggestion is accepted.

Legal may perhaps see again.

A.R.N.
12-5-49. C.K.V.
12-5-49. Legal.

Pub.(Poll.)U.O.No.
2905/49-1 d/12-5-49.

Legal Department.

Seen in Legal.

The difficulties and disadvantages of each Department issuing separate notifications have already been pointed out by this Department in another file. A copy of that note is placed at flag (V). This Department has no further remarks to offer.

xx xx
A.S.I. A.S.II.
13/5/49. 13-5-49.

If separate notifications are to be issued, apart from the difficulty pointed out in the note at 'V', there will also be the possibility of some of the Acts being omitted, each department thinking that it is not concerned with them, or of some of the Acts being extended by more than one department, one department not being aware of ~~this~~ the extension by the other. It is for these various reasons that this department advised the issue of a single consolidated notification.

xx xx
14/5/49.
Pub.(Poll.)

Legal U.O.No.
6036/49-1 d/14-5-49.

Public (Political)Deptt.

It appears from the Legal department note above that they reiterate their original proposal. If that is to be pursued additional staff is absolutely necessary. Public (Political) has already 4 upper division clerks and one Superintendent. If the additional upper division clerk is attached to Public (Political) the section has necessarily to be bifurcated. It is also submitted that the work in this file is not of an ordinary nature and the attention of a full time Superintendent is necessary for the subject. Submitted for orders.

I still think that for the reasons stated at page 5 ante it would be more convenient to leave it to the departments concerned to issue a consolidated notification in respect of all the Acts with which they are concerned. As all notifications will be scrutinised by Legal and as that department have recently circulated to all departments a model notification, uniformity in language may be expected. The possibility of some of the Acts being omitted can be avoided by checking the list of Acts extended by the departments. For orders whether in the circumstances the question of issuing a consolidated notification by Public (Political) may be dropped. If, however, it is considered that Public (Political

should undertake the work, Finance may be requested to agree to the proposal to sanction the post of a Superintendent, say, for 2 months for the present.

A.R.N
16-5-49. C.S.

I agree. The procedure suggested at A above may be followed.

C.K.V.
17-5-49.

/True copy/

To the Departments of the Secretaria
including Public(all sections.)

mdk.26/5-

Superintendent.

Firka Development Department (V)

MEMORANDUM NO. 24913 FD(V)/49-1 DATED 6 - 6 - 1949.

STATES - SANDUR - MERGER - CERTAIN CENTRAL AND PROVINCIAL ACTS - APPLICATION.

...

The Board of Revenue / The President, H.R.E. Board is requested to examine and report urgently whether the following Acts may be extended to the merged state of Sandur, and if so, from what date they may be extended and whether any modification to the Acts are necessary:-

1. The Madras Regulation VII of 1817
2. The Religious Endowments Act, 1863
3. The Charitable Endowments Act, 1890
4. The Charitable & Religious Trust Act, 1920
5. The Mussalman Wakf Act, 1923.

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1. The H.R.E. Act, 1926
2. The M.T.E.A Act, 1947.
3. The Madras Devadasis (Prevention of Dedication) Act, 1947.

2. The Board is also requested to ascertain and report whether there are any laws governing the administration of Charitable and religious institutions in the merged state of Sandur.

To
The Board of Revenue, Madras.
The Pdt., H.R.E. Board, Madras.

2/6/49 3/6/49 6.6.49

7/6/49.

Tele:"Religious" Office of the Board of Commissioners for Hindu Religious Endowments Madras.6.

Letter No.86634/48-4- Genl- dated 6-8-49.

From

Sri T.M. Chinnaiya Pillai, M.A.,B.L.,
President, Hindu Religious Endowments Board,
M A D R A S.6.

To

The Secretary to the Government of Madras,
Firka Development Department,
Fort Saint George, M A D R A S.

Sir,

Sub: Sandur State - Merger - Certain Acts - Application.

Ref: Government Memorandum No.24513 F.D.(V)/49-1 dated 6-6-1949.

The Board has obtained from the Collector of Bellary, a list of Hindu Religious institutions in Sandur State and copies of the Sandur Devadaya Act, 1938, and the Sandur State temples proclamation 1948. A copy of the Sandur Inams Regulation 1937 also has been sent by the Collector but it seems unnecessary to refer to this for the present purposes. The said enactments and a copy of the Collector's letter are forwarded for reference.

2. From the list sent by the Collector it is seen, that in Sandur State there are 46 Hindu religious institutions, of which 3 are maths and the rest are temples. 41 of these institutions come within the scope of the Sandur Devadaya Act, 1938 which applies to all temples, mosques or other places of worship, choultries and all religious or charitable institutions. They are said to be managed by the inamdars. Under the provisions of the said Act,

(a) the management of any temple can be taken over by Government for the reasons set out in section 3;

(b) the Government officer called Dharmadhikari may make enquiry about the management of a temple and decide to take th institution under State management or frame a scheme (sections

8 and 9);

(c) the Dharmadhikari may decide that any alienated temple property should be restored to the temple or taken possession of by the Government on behalf of the temple (section 10);

(d) the Dharmadhikari may direct diversion of surplus funds of temples (section 11);

(e) the Government have power to frame rules relating to accounts, submission of returns and inspection of temples(section 13);

(f) the Government may resume alienated inams and retransfer the property to the temple (section 14)

(g) rents due to temples from tenants may be recovered by the Government officers as if they were arrears of land revenue (Section 16);

(h) Government may take over the management of math properties under certain circumstances (section21);

(i) an enquiry into complaints about the management of a math may be ordered by Government, (Section 22) and Government may pass orders relating to the management of the affairs and property of the math (section 24) and

(j) when the management of a math is taken over by the Government, the Government may exercise all the powers of a Matathipathi and have full power to dispose of the income. (Sections 26 and 27).

The other 5 institutions are in the management, control and direction of the state under the provisions of the Sandur State temple Proclamation, 1948, through the State Temples Department. In lieu of the income from the properties of these temples taken over by the State on condition that the maintenance and upkeep of these temples should be a charge on the general revenues of the state, a sum of Rs. 36,000/- a year is allotted in the state budget for the temples.

3. With regard to the question whether the Madras Hindu Religious Endowments Act, 1926 may be extended to the religious

institutions in the State, unless the Sandur State temples Proclamation 1948 is abrogated except so far as it provides for the annual grant of Rs. 36,000/- from the State funds, the application of the Hindu Religious Endowments Act willnot be effective, because the administration will continue to be under the direct control of Government. So far as the institutions to which the Proclamation does not apply are concerned, it willbe seen that under the Sandur Devadaya Act, considerable powers are vested in the State and its officer called Dharmadhikari, some of which ar similar to those conferred on the Board by the Madras Hindu Religious Endowments Act. In the case of these temples, also, unless the Sandur Devadaya Act is abrogated the extension of the Madras Hindu Religious Endowments Act will not be possible or effective because the Dharmadhikari also will continue and the provisions of the Devadaya Act will continue to apply to Hindu Religious Endowments. The system of direct management of temples provided by the Proclamation aforesaid is good and may continue. So far as the other temples are concerned, the Government have extensive powers. In respect of maths also, Government have wide powers, including the power to take over the management of math properties. Th e provisions of the two enactments are more or less similar to the provisions of the Madras Hindu Religious and Charitable Endowments Bill, 1949, and in some respects vest more power in the Government. It appears to be better that the arrangement provided by these two enactments is continued. So as to make the general provisions of the Madras Hindu Religious Endowments Act applicable to temples, maths and specific endowments in Sandur, the provisions of Sections 38 to 42,43,44,44-A, 45 to 48,48-A,51, 53,53-A, 53-B, 55,56,59,60,69,70,76, to 79-A,84 and 85 of the said act may be extended to the public Hindu Religious institutions in the State.

and the Madras Devadasi (Prevention of Dedication) Act may be extended to Sandur, as has been done in the case of Pudukottah.

5. Copies of the Devadayam Act, the Proclamation and the Inams Regulation may kindly be sent back after reference as their return is desired by the Collector.

Yours faithfully,

President.

Enclosures: 4 .

1. Copy of letter of the Collector.
2. Sandur Devadayam Act, 1938.
3. Sandur State Temples Proclmation,
4. Sandur Inams Regulation, 1937.

D.K./6.8

Finance Dept.

Please see the report of the P.W.D. Board at pp 15-18 ante. The final report of the Bd. of Revenue has not yet been received. It may be reminded now.

A draft Memo is submitted for approval.

22/4/49

25/4/49

From

Sri A. Surya Rao Naidu,B.A.,
Try. Dy.Collector,Incharge,
Bellary.

To

The Secretary Hindu Religious
Endowment,Board.,
M A D R A S . 6.

L.Dis.8368/48 dated 7-4-49.

Sir,

Sub:- Sandur State - Merger with the Indian Union - Administrative of Hindu Religious endowments report.

Ref:- Your L.No.86634/48-Gnl- 1- dated 17-8-48

A list of H.R.E. institutions existing in the Sandur State is furnished separately giving the available particulars. All theinstitutions, are managed by the inamdars except the five mentioned below:-

1. Sri. KarthikaSami Temple including Shri Nowlswami and Harishanker.

2. Eswaraswamy Sivapur

3. Sri. Narasimha Swamy.

4. Shri. Subraj Marthand Deoghar (including Darbar Hall, throne and Pharaperhalia).

5. Shri. Siddharadha Temple. The particulars of income and schemes of administration of the above institutions are not available as their governence is regarded as a prerogative of the Ruling family and the Ruler's Secretary is the officer incharge of their administration. As the policy of the Government with regard to this state is not yet known it is better if this is not tackled at present.

The religious and charitable institutions in this state are governed by the following:-

1. Sandur Inams regulation 1937.

2. The Sandur Devadaya Act 1938.

3. The Sandur State temples Proclamation, 1948

The above three are enclosed in original. They may be returned when no longer required.

Information regarding charities, either connected with H.R.E. institutions or purely secular in character is not available at present.

Sd. x x x
For Collector.
12--4--49.

D.K./9/8/1949.

Copy to: The Special Officer,
S A N D UR.

(True Copy)

REVENUE DEPARTMENT
Subject.

STATES - Sandur - merger - Acts - Provincial and Central - Extension Report submitted.

Station:Madras.

Ref.W.5300/49-7 Dated 18-10-49.

From

Sri P.N.Jayarajan,Bar-at-Law, I.C.S.,
Secretary, Board of Revenue.
.....

Sri S.Ranganathan I.C.S.,
Commissioner of Land Revenue.
.....

45634

SECRETARIAT R. T. Section
18 OCT 1949
FIRKA DEVELOPMENT DEPT

Read:- Government Memo 45675/F 49-1 Home dated 20-6-49 and h the report from the Collector of Bellary G 7194/49-S1 dated 4-8-49.

2. Government memo 23513/FD V/49-1 dated 6-6-47 and 6-10-49 and the letter No.7174/49 S1 dated 4-8-49 from the Collector of Bellary.

3. Government memo 32743/F49 Revenue dated 6-6-49.

4. Government memo 31296/A 47-2 Revenue dated 6-7-49 16-8-49 and 4-10-49 and the letter 7194/49 S1 d.28-8-49 From the Collector of Bellary.

From the Collector of Bellary 7194/49 S1 d.13-8-49.

Reference:-

1. xx xx

2. The Board invites the attention of the Government to their memo 24513/FDV/49-1 dated 6-6-49. The Board suggests that all the Acts mentioned in the Government memo may be extended to the Sandur merged area with effect from 1-11-49 or from the date of publication of the notification. No modifications to the Acts are suggested by the Collector. The only corresponding enactment now in force in the Sandur merged area (copy of it enclosed) is the Devadaya Act of 1939 and the Board recommends that this Act may be repealed with effect from the date the Provincial and Central Acts are extended to the merged area.

3. xx xx

4. xx xx

5. xx xx

6. xx xx

7. xx xx

For Secretary.

To
The Secretary to Government.(Home Department)Paras 1 & 6 with state enactment in original.
The Secretary to Government.(Firka Development Department with state enactment.(Para 2 only)
Secretary to Government.(Revenue Department) Paras 3 to 5 only) with a copy of Collector's letter.
Copy to Bellary Collector (Para 2.)

SPECIAL.

Government of Madras.
Public (Political) Department.
***

G.O. Note No.4675/49-17, dated the 18th October, 1949.

46100

...

Subject: - States - Merged States of Pudukkottai, Banganapalle and Sandur-Extension of Provincial laws by an Ordinance.

...

Under the provisions of the Extra Provincial Jurisdiction Act, XLVII of 1947, the Departments of the Secretariat extended to the merged States of Pudukkottai, Banganapalle and Sandur certain Central and Provincial laws which were considered to be necessary and urgent for administrative purposes in those areas. After the passing of the States merger (Governors Provinces) Order, 1949 the three merged areas mentioned above have to be treated as part of this province with effect from 1-8-49 and no law could therefore be extended to them under the Extra Provincial Jurisdiction Act on and from that date. As the laws which were applied to the merged States under the Extra-Provincial Jurisdiction Act, 1947 are, in law, distinct from those laws as applicable elsewhere, the Government of India propose to issue an Ordinance extending the more important Central Acts to those areas once again and they have asked the Provincial Government to issue a similar Ordinance etc. It is also proposed to include in these Ordinances the laws which have not yet been extended to the areas in question.

2. The Central Ordinance which was to have been promulgated on/...

on 1-9-49 has not yet been issued. According to present expectations, it is likely to be issued about the end of October or the beginning of November, 1949. The date of promulgation of the Central Ordinance and the Provincial Ordinance should be the same. As it is, necessary for this Government to adhere to the above date for the issue of the Provincial Ordinance, the Departments of the Secretariat (all sections) may be requested to send a list of the Provincial laws which remain to be extended to the merged areas and which could not be extended on or after 1-8-49 on account of the passing of the States' merger (Governors' Provinces) Order, 1949. The schedule to the Provincial Ordinance will therefore contain all the provincial laws which have already been extended as well as laws which have yet to be extended and which will, under the aforesaid Ordinance, be extended.

3. The Departments of the Secretariat may be requested to treat this reference as Immediate and to send their replies so as to reach this Department on or before the 24th instant. If no reply is received by that date from any Department it will be presumed that that Department has no laws to suggest for inclusion in the Ordinance. A consolidated reply may be sent for each Department.

K. Ramunni Menon,
Chief Secretary to Government.

To All Departments of the Secretariat (all sections.)

Forwarded/By order

Superintendent.

mdk.19/10-

Pwla Gen V

Endt. 24515 V - 9/49 F.D. dt. 6-12-49.

25

States - Sandur - Merger - Certain Central & Provincial Acts - Application.

Ref:- From, the Pr. WR. C. Bd. no. 86634/49-4 dt. 6-8-49

Copies of the Sandur Devadasis Act, 1938, the Sandur States Temples Proclamation 1948, and the Sandur Exams Regulation, 1937 forwarded with the Board's letter cited, are returned to the Pr. WR. C. Board as they are no longer required.

6.12.49

30/11/49

30/12

To the Pr. WR. C. Board. (with enclosures original)

Dpd w.e 8/12/49

From Public (Political) u.o. note No. 2905/49-3 dated 26-5-49.

STATES - SANDUR - MERGER - CERTAIN CENTRAL AND PROVINCIAL ACTS - APPLICATION - TAKING OVER ADMINISTRATION OF STATES DEPARTMENTS.

***

Please see the u.o. note from the Public (Political) on pp.1-4 c.f. With reference to 'A' on p.1 c.f. the Board may first be consulted as to whether there are any laws now in force governing the administration of Religious & Charitable institutions in the Sandur State. After the information has been received the Board may be authorised to take over the administration of the religious and Charitable institutions.

As regards the extension of the several Acts with which this Department is concerned the Board of Revenue and the President H.R.E. Board may be consulted. A draft Memo is submitted for approval.

PGV 1/6/49. GO 3669

6.6.49

SC(a)(1)

8.6.49

From the President, H.R.E.Board, letter No.86634/48-4 Gnl., dated 6-8-1949.

From the Board of Revenue, Ref.W.5390/49-7 dated 15-10-1949.

The Board of Revenue ~~has~~ recommends that the following Provincial and Central Acts may be extended to the Sandur State.

1. The Madras Regulation VII of 1817.
2. The Religious Endowments Act, 1863.
3. The Charitable Endowments Act, 1890
4. The Charitable & Religious Trusts Act, 1920
5. The Mussalman Wakf Act, 1923.

The Board states that no modification to the Acts are necessary. The only corresponding enactment now in force in the Sandur State is the Devadaya Act of 1938 and the Board

recommends that this Act may be repealed with effect from the date when the Provincial and Central laws are extended to the State. The Sandur Devadaya Act, 1938, relates not only to the administration of charitable endowments and Mosques but also to the religious endowments. Apparently the recommendation of the Board of Revenue is that this Act may be repealed so far as it relates to the administration of charitable endowments and Mosques only. The recommendation of the Board of Revenue may be accepted and all the Acts referred to above may be extended to the Sandur State.

2. The President, H.R.E.Board who has been consulted with regard to the extension of the H.R.E.Act, 1926, the M.T.E.A. Act 1947 and the Madras Devadasis (Prevention and Dedication) Act, 1947, has reported that the latter two Acts may be extended to the Sandur State without any modification. This may be accepted. As regards the extension of the H.R.E.Act to the Sandur State the President for the reasons explained in his letter on pp.15-18, considers that it is better that the administration of religious institutions in the State ~~are~~ carried on under the provisions of the Sandur Devadaya Act 1938 and Sandur State temples Proclamation 1948. He however, considers that the general provisions of the H.R.E. Act may be made applicable to the Sandur State and for this purpose he suggests that the sections 38 to 42, 43,44, 44-A, 45 to 48, 48-A to 51, 53, 53-A, 53-B, 55, 56, 59, 60, 69,70, 76 to 79-A, 84 & 85 of the Act may be ~~made~~ extended to the public Hindu religious institutions in the State. After the enactment of the H.R.&.C.E.Bill 1949 now before the Jt.Select Committee the administration of all the temples etc. in Sandur State will be brought under the purview of the proposed Act, and there seems to be no objection to accept the recommendation of the President to allow the administration of temples etc in Sandur being carried on under the present laws as they provide for better management and extend only the sections of the H.R.E.Act referred to above.

4. At 'A' on p.1 c.f. of Public U.O. note it has been stated that a formal order authorizing the Heads of Deptts to take over the administration of Departments in the State with reference to the State Laws will have to be issued by the Administrative Departments concerned. Subsequently it has been informed that no law can be extended to the Merged States after 1-8-1949. In view of this it is not clear whether a formal order authorizing the Board of Revenue to be in-charge of the administration of the religious endowments and Charitable Institutions with reference to the State Laws till the corresponding Provincial laws are extended can be made or not as

Public May advise.

5. Public have also requested in their U.O. note on p. 23 c. that a list of Acts to be extended to the merged estates may be ~~taken~~ sent to them immediately. After orders are passed the fi may be sent to Public u.o.

This is being sent separately by Secy

24/10/49

24/10/49

24.X.49

26.10.49

Since the above note was put up, a file has been received from Public, containing the correspondence that has been going on between this Government and the Government of India for some time past, on the question of the management of certain temples in the Sandur State. It may be observed therefrom, that the Government of India have expressed the view that all the six temples covered by the Sandur Proclamation 1948, may be left to the management of the Ruler of the State by himself and that these temples need not be brought under the supervision of the H.R.E. Board. In view of this it does not seem that the general provisions of the H.R.E.Act referred to by the President need be extended to these six temples. The general provision of the H.R.E.Act suggested by the President may therefore be

extended to the Sandur State only in respect of the oth religious institutions in the Sandur State not covered by the State Proclamation 1948. For orders.

28-X-49 28-X-49 S Agree. 8.11.49

Pubic (Poll)

Pub.(Poll.)Deptt.

The notes of Firka Development on pp.1-4 above may be perused. The proposals in this file are:

F.D.U.O. 2458/49-1, 9-11-49

6843

(i) extension of Acts and Regulations specified at X on p.1 ante to the merged State of Sandur, and

(ii) issue of a formal order to the Board of Revenu authorising it to take charge of the administration of the religious endowments and charitable institutions in Sandur.

Item (i) above: Recently the Deptts. of the Sectt. have been asked in U.O.Note No.4675/49-25,Pub.(Poll.) d/11-11-49 to furnish a list of Acts, Regulations etc. to be extended to Pudukkottai, Banganapalle and Sandur separately indicating modifications if any thereto. Firka Development will no doubt include the Acts and Regulations mentioned at X on p.1 ante and also indicat whether H.R.E.Act has to be extended in full or otherwise.

Item (ii) above: In U.O.Note No.2905/49-3,Pub.(Poll.) d/26-5-49 Departments of the Sectt. were asked to issue instructions to the Heads of Deptts. under their administrative control to take charge of the Deptts. of the late Sandur Govt. so far as they were concerned. The Deptts. of the Sectt. issued orders to that effect, invoking the provisions of the ~~Ch~~ Extra-Provincial Jurisdiction Act,1947, According to the States' Merger (Governors' Provinces) Order,1949,which came into force from 1-8-1949, no order can be made under the said Act by any authority on or after 1-8-49 in relation to the governance of any

of/...

of the merged States. In the circumstances, the formal order authorising the Board of Revenue to be in charge of the administration of the religious endowments and charitable institutions in the Sandur State cannot now issue. Firka Development may however be requested to consult Legal in the matter.

1. The position as set out at R on pp.3-4 ~~above~~ ante is correct.

With the above remarks, the file may be returned to Firka Development.

ADDITIONAL ASSISTANT SECRETARY TO GOVERNMENT
17 NOV. 949
FIRKA DEVELOPMENT DEPARTMENT

Rule (Poll) 50538
G.O. 6843/49-1
17/11/49

16.11.49

17/11/49

Firka Dev. V

Please see the rules of Public (Poll) at pp 4-5 above. Action has already been taken separately with reference to 'A' on p 4 ante.

The case may be sent to Legal for remarks with reference to 'I' above.

18/11/49 18/11/49

19.11.49 19.11.49

Legal

F.D.D.O. 24513 V-7/49
19-11-49.

ASSISTANT SECRETARY
19 NOV 1949
LEGAL DEPARTMENT

Legal

Legal Department.

As stated by Public (Poll) at K above, no formal order authorizing the Board of Revenue to take charge of the religious endowments and charitable institutions in the Sandur State can now issue. Legislation is the only course and the relevant laws in force in the State will have to be suitably modified in their application to the State if any authority other than the authorities specifie in these laws should be in charge of, and administer the endowments and institutions.

I agree
21.11.

Legal G.O.No. 15201/49-1
21.11.49

51097

ADDITIONAL ASSISTANT SECRETARY TO GOVERNMENT
21 NOV 1949

21.11.49

21/11/49

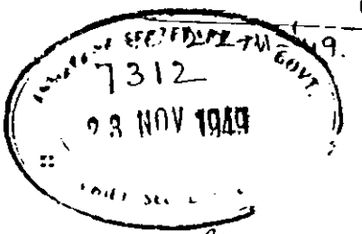
Fisheries Dev V

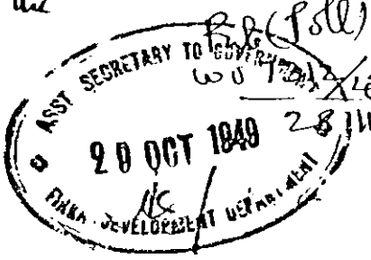
Please see the note of Legal on p. ante. The Case may be sent to Public (P&D) for perusal of the remarks of Legal. No further action is called for in this case circumstances stated.

PGV 21/11/49 — Ullcp — 22/11/49 Public Pol

Public (Political) department F. D. D. 24513 V - 8/49

Previous notes of this department at p. 4-s ante, and the notes of Fisheries Dev and Legal at p. 5-6 above may be perused and the file returned to Fisheries Dev.





P&D (Poll) WD 7312 X-a-1 28.11.49

7/11/49 — 26/11/49 — 28/11/49 ZD

52510

Fisheries Dev V

Please see the note of Public (P&D) ante. Copies of the enactments forwarded with the letter of the Pk. W. R. C. Board dt. 6-8-49, may be returned to the Pk. as desired by him.

A draft Endt. is submitted for approval. After issue the papers may be recorded for future reference.

6.12.49

PGV 10/11/49

30/11/49

Issued as Endt. No. 24513 V - 9/49 F. D. dt. 6-12-49 p 2 c

Order 1108 — M5

F. D. dt. 16.12.49

Recorded

PGV 16/12/49

GOVERNMENT OF SANDUR.

THE SANDUR DEVADAYA ACT, 1938.

THE SANDUR DEVADAYA ACT, 1938.

Act II of 1938.

(Recommended for the assent of the Huzur, by the Praja Mandal at its session held on 4th October 1938)

An Act to consolidate and amend the Law relating to Devadaya institutions in Sandur State passed by Shrimant Sarkar Maharaj Yeshwantrao Hindurao Ghorpade Mamlakatmadar Senapathi, Ruler of Sandur, on the 15th December 1938, being the year two hundred and ten of the Hindurao Shaka.

PREAMBLE. WHEREAS it is expedient to consolidate and amend the Law relating to Devadaya institutions in Sandur State, and to provide for certain remedies in respect of religious and charitable endowments, it is hereby enacted as follows:

CHAHTER I.

PRELIMINARY.

Short title, Extent and commencement. 1. (1) This Act shall be called the SANDUR DEVADAYA Act, 1938, and shall come into force at once.

(2) It extends to the whole of Sandur State.

Definitions. 2. (1) DEVADAYA INSTITUTION shall mean and include.

(i) every temple, mosque, or other place of worship or religious service, any CHATRA or house of feeding or rest for travellers without charge, or other institution of a religious or charitable nature, and for the support of which any annual grant in perpetuity is made from the State revenues, or an inam has been granted and is recognised and registered at the Inam Settlement of 1937 as Devadaya grant;

(ii) every institution of a religious or charitable nature, which, under the provisions of this Act, has been taken under the sole management of Government, so long as it remains under such management;

(2) 'DHARMADHIKARI' shall mean such State Officer who may from time to time be designated by the Government to exercise all or any of the powers vested in the Dharmadhikari under this Act,

CHAPTER II.

PROVISIONS RELATING TO RELIGIOUS AND CHARITABLE INSTITUTIONS.

Management of a religious or charitable institution by Government.

3. The Government may undertake the management of a public, religious or charitable institution in respect of which a trust is created:—

(a) when the creator of the trust so desires, or

(b) when the person in actual management or appointed manager or trustee,

(i) disclaims, or

(ii) dies, or

(iii) is for a continuous period of six months absent from Sandur without making proper arrangement for its management, or

(iv) leaves Sandur for the purpose of residing abroad,

(v) is declared an insolvent, or

(vi) desires to be discharged from the trust, or

(vii) refuses to act in trust, or

(viii) becomes in the opinion of the Principal Court of Original Jurisdiction, unfit or personally incapable to act in the trust, or

(ix) accepts an inconsistent trust,

and, there is no custom, usage or provision in the instrument of trust or express or implied reservation by the creator of the trust, for the management of the trust under such circumstances.

Reference by the Dharmadhikari to the Court in cases of dipute.

4. Whenever a dispute arises whether any charitable or religious trust has been actually constituted in respect of any institution, endowment or property, the Dharmadhikari may make a reference to the Principal Court of Original Civil Jurisdiction in the State.

Disposal of the reference.

5. The letter of reference shall be registered and disposed of as a suit between the Dharmadhikari as plaintiff and the parties in possession of the property or opposing the contention of the Dharmadhikari as defendants.

Authorisation of persons to file a suit under section 92, Sandur Civil Procedure Code,

6. Instead of making the reference, the Dharmadhikari may authorise any one or more persons to file a suit under the provisions of section 92 of the Sandur Code of Civil Procedure [Act XV of 1931].

Awards and apportionment of costs.

7. In disposing of references and suits under the foregoing sections, the Court shall have full power to apportion and award costs either against the parties or against the estate in dispute; Provided that no Court fees shall be charged in respect of proceedings following on a reference under section 4.

Enquiry regarding management of the property of a religious or Chritable institution.

8. When it is brought to the notice of the Dharmadhikari that any religious or charitable institution dedicated for the benefit of the public or a defined section of the public or any property appertaining thereto is being grossly and persistently mismanaged, he may institute an enquiry into the truth of the allegations against the persons in possession and management of the property or the institution.

Order by Dharmadhikari in such cases.

9. If it is proved that there has been gross and persistent mismanagement of the institution or of any property pertaining thereto, or any misapplication or misappropriation of any part of the property, or any breach of trust in respect thereof; the Dharmadhikari may order-

(1) that the institution may be taken under the management of Government;

(2) that the property which has been mismanaged or misappropriated may be delivered back either to the institution or to the possession of Government for the institution;

(3) that security may be given for the proper performance of the trust or management of the property; or

(4) may frame any scheme for the proper management of the institution or the management of its property and the application thereof; and

(5) pass such other ancillary or necessary orders as the case may require in accordance with justice and equity.

Procedure in cases of wrongful alienation of property belonging to a religious or charitable institution.

10. Where property belonging to a religious or charitable institution has been wrongfully alieneted by way of sale, barter, mortgage, lease or otherwise, within three years before the date of issuing a notice under this section, the Dharmadhikari may, after giving notice to the alienee and holding a summary enquiry, direct that possession be restored to the institution or that Government assume possession thereof on behalf of the institution.

Failure of the object of trust.

11. Where the whole or part of the object of a religious or charitable trust has failed, the Dharmadhikari may, subject to such general rules or special orders as Government may have issued, after notification the Sandur State Gazette, and hearing such parties as may appear in an enquiry, pass an order directing that the property or the proceeds thereof in respect of which the object has failed, may be utilized for an object of a similar nature and may frame a scheme for administration thereof.

Suit by a person aggrieved by an order passed under sections 9' 10 and 11.

12. Any person against whom an order has been passed under sections 9 and 10 directing dispossession or recovery of possession of property or any person who is aggrieved by an order of the Dharmadhikari passed under section 11 may, within one year from the date of such order, file a suit in the principal Court of Original Civil Jurisdiction in the State for cancellation of such order making the Dharmadhikari one of the defendants.

If no such suit has been filed or if it has been dismissed by the Court, the Dharmadhikari may, after the lapse of one year from the date of his original order, execute his order and may exercise for that purpose all the powers of a Civil Court in executing decrees.

Provided that in cases in which the property to be disposed of under section 11 exceeds rupees five hundred in value or the annual income thereof is more than rupees one hundred in value, the sanction of Government shall have been obtained for the order.

Power to make rules for the maintenance of accounts, etc., by persons in charge of religious or charitable institutions,

13. Government shall have power to make rules directing that persons in charge of religious or charitable institutions shall-

(a) keep regular accounts of income and expenditure;

(b) submit such returns and supply such information as may be necessary,

(c) allow inspection and verification as may be necessary;

And may, by said rules, prescribe a penalty not exceeding twentyfive rupees for any infraction thereof.

Wrongful alienation of inams granted for the up keep of religious or charitable institutions.

14. Where an inam granted by Government for the upkeep of any religious or charitable institution is wrongfully alienated or has passed to the possession of a third party in any manner and the proceeds thereof have been diverted from the purpose for which it was granted, the Government may, after enquiry, direct that the property be resumed and retransferred to the institution for whose benefit the inam was intended or may cancel the inam tenure.

Investment of trust money.

15. It shall be lawful for any trustee or persons having the management or control of any religious or charitable institution to invest money belonging to the institution and not required for immediate use on any of the following securities and no others, viz.:-

(a) In promissory notes, debentures, stock or other securities of the Government of India, or any Indian State.

(b) In shares or deposits of the Sandur Agricultural Bank,

(c) In State Savings Bank, or

(d) on any other security or property expressly authorised by the Instrument of trust or approved by the Government.

Recovery of arrears of rent or revenue due to a religious or charitrble institution.

16. Arrears of rent or revenue due from tenants in respect of property belonging to a religious or charitable institution may be recovered by the officers empowered to recover revenue due to Government in the same manner as arrears of land revenue due to Government.

Appeals from the orders of a Dharmadhikari.

17. Every order passed under this Act which is not liable to be set aside by a suit filed under any of the provisions of the Act shall be subject to an appeal to the Huzur.

Revision.

18. Every order passed by a Dharmadhikari either in an original case or on appeal, shall be subject to revision by Government.

Saving of suits under section 92 of the Sandur Civil Procedure Code.

19. An order passed under this Act or the rules framed thereunder by the Dharmadhikari or by Government shall not bar a suit under the provisions of section 92 of the Sandur Code of Civil Procedure (Act XV of 1931).

CHAPTER III.

PROVISIONS RELATING TO MATHAS OR SIMILAR INSTITUTIONS.

Exemption of Mathas from the operation of the foregoing provisions.

20. The foregoing provisions shall not apply to MATHAS or other institutions of a similar nature or the properties belonging to them which are in the possession of MATHADHIPATHIS or other persons entitled by law or general or particular usage to exercise powers of management or ownership.

When management of MATHAS may be assumed by Government.

21. Government may take over the management and possession of the property of any MATHA or other institution of a similar nature

(1) when the MATHADHIPATHI or other head of the institution voluntarily applies for such help and places the institution or its property under the management of Government;

(2) When he is dead or has left the country and has not been heard of for more than seven years and has not made satisfactory arrangement for the carrying on of the ordinary business of the institution, and there is no successor duly appointed according to the rules applicable to succession to the office;

(3) When he is a minor without a legally appointed guardian, fit and willing to act as such, or is, by reason of physical or mental infirmity, unable to manage the affairs of the MATHA or other institution.

Enquiry into allegations of mismanagement of a MATHA or other institution.

22. Whenever a complaint is made by at least half the number of devotees subject to its jurisdiction as disciples, that the MATHADHIPATHI or the head of the institution has been grossly mismanaging the property or alienating the

bulk of it for enriching himself or his relations or for other improper purposes Government may order an enquiry.

Authority before whom the enquiry is to be held

23. Such enquiry shall be before a Committee of not less than three members appointed by Government in each case.

Execution of orders passed.

24. When the decision of the Committee has been approved by Government, Government may pass such orders as may be deemed fit concerning the management of the affairs and property of the institution.

Appointment of Mathadhipathi by Government.

25. Where any Matha or other similar institution has come under the management of Government under clause (2) of section 21, Government may take such steps as are necessary to fulfil the object of the institution till a proper MATHADHIPATHI is nominated in accordance with law or usage.

Powers of Government in regard to management of a Matha.

26. When any property of a MATHA or other similar institution has for any reason come into the possession of Government under the provisions of this Act, Government may exercise all the powers of management possessed by a duly appointed Mathadhipathi or other head of the institution in possession; and may make and carry out a scheme either directly by officers or by a Committee constituted for the purpose.

Disposal of income of institution.

27. Government shall have full power to dispose of the income of the institution, as long as it is under its management, (after making due provison for the maintenance of the Mathadhipathi or other head of the institution, for carrying on services in temples and other places of worship appertaining to the institution in a reasonable manner) on subjects of charity or for the spread and encouragement of religious instruction according to the tenets of the said institution.

CHAPTER IV.

Miscellaneous.

Modes of enquiry referred to in sections 8, 11, 14, & 27.

28. The enquiry referred to in sections 8, 11, 14, and 27 shall be conducted in the manner prescribed for a formal enquiry under the Revenue Law in force in the State.

Bar of jurisdiction of Civil Courts in cases falling under the Act.

29. In all matters in which Dharmadhikari or Government of Sandur has power to pass any order, or to take any action, Civil Courts shall exercise jurisdiction only to the extent allowed by this Act.

Saving.

30. Nothing contained in this Act shall be deemed to apply to religious and charitable institutions belonging to and at present in the possession, management and control of the Huzur Khangi (Palace) or which may hereafter be notified by Government.